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International Convention on the Elimination of all Forms of Racial Discrimination

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COMMITTEE ON THE ELIMINATION
OF RACIAL DISCRIMINATION
Fifty-third session

CONSIDERATION OF REPORTS SUBMITTED BY STATES PARTIES
UNDER ARTICLE 9 OF THE CONVENTION

Concluding observations of the Committee on the Elimination of Racial Discrimination

Niger

1. The Committee considered the eleventh, twelfth, thirteenth and fourteenth periodic reports of the Niger (CERD/C/299/Add.18) at its 1297th meeting held on 18 August 1998 and, at its 1301st meeting on 20 August 1998, adopted the following concluding observations.

A. Introduction

2. The Committee takes note of the State party's submission of its eleventh, twelfth, thirteenth and fourteenth periodic reports. It expresses its satisfaction with the resumption of the dialogue with the State party and the additional information provided orally in reply to the questions raised by the members of the Committee during the consideration of these reports. The Committee notes, however, that, although the reports submitted by the State party follow the Committee's guidelines, more detailed information is required on the implementation of the Convention.

B. Positive aspects

3. The signing of an agreement to establish peace between the Government of the Republic of the Niger and the Organisation de la Résistance armée (ORA) (Armed Resistance Organization) in 1995 is welcomed with satisfaction. The establishment of the High Commissioner's Office for the Restoration of Peace is also welcome.

4. Note is taken of the various activities being carried out in the fields of culture and education and, in particular, the strengthening of the itinerant schools system.

5. The planned measures for the administrative decentralization of the country are also noted with interest as a means of finding better solutions to the problems of the various communities.

C. Factors and difficulties impeding the implementation of the Convention

6. Note is taken of the fragility of the State party's process of democratization. The very low standard of living, the geographical and climatological situation, the extremely high population growth rate and the very low literacy rate in the State party are also key factors.

D. Principal subjects of concern

7. Concerns were expressed about acts of violence against persons belonging to certain ethnic groups, particularly the Toubous, the lack of information about measures for incorporating ORA armed forces into the army and the country's civil activities and the participation of various ethnic groups in public life.

8. With regard to article 4 of the Convention, note was taken with concern of the lack of specific legal provisions prohibiting racial discrimination. Although article 102 of the Penal Code declares any act of racial or ethnic discrimination punishable by law, the dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination and acts of violence and provocation of or assistance in racist acts are not explicitly prohibited by law within the meaning of the Convention.

9. The ambiguity of Order No. 84-6 (1984) governing associations and prohibiting those of a regional or ethnic nature, which may also lead to the prohibition of cultural associations that have no involvement in acts of racial discrimination, and the lack of information given by the State party in this connection are matters of concern.

10. The lack of information on the implementation of article 5 (c) and (d) of the Convention and, in particular, on the participation of the various ethnic groups in political life is noted with regret.

11. The Committee also notes that there is a lack of information on foreign refugees in the Niger and the return of Niger refugees from abroad.

E. Suggestions and recommendations

12. The Committee requests information on relations between the country's various ethnic groups and on efforts to get them to live together peacefully and harmoniously.

13. In the light of its general recommendation XIX (47) of 17 August 1995 on article 3 of the Convention, the Committee recommends that the State party should provide all the necessary information on the implementation of this provision.

14. In view of article 4 of the Convention, the Committee encourages the State party to bring its Penal Code into line with the provisions of the Convention and recommends that the State party should inform it in its next periodic report of its efforts and of racially motivated offences, as well as of complaints and judicial decisions concerning racist acts, regardless of their nature.

15. The Committee also requests information on other legislative reforms which have been scheduled or undertaken, particularly with regard to the right to freedom of association, in accordance with the provisions of article 5 (d) (ix) of the Convention.

16. While welcoming the information provided by the delegation, the Committee would like to have additional information in the next report on the implementation of article 5 (c) and (d) relating to the exercise of civil and political rights, as well as on economic and social indicators for all the country's ethnic groups.

17. The State party should also supply detailed information on the teaching, educational, cultural and information activities it is carrying out to prevent and combat all forms of racial discrimination and on the activities of the Association nigérienne pour la défense des droits de l'homme (Niger Association for the Protection of Human Rights).

18. The Committee recommends that the State party should ratify the amendments to article 8, paragraph 6, of the Convention adopted on 15 January 1992 at the Fourteenth Meeting of States Parties to the Convention.

19. It is noted that the State party has not made the declaration provided for in article 14 of the Convention; some members of the Committee requested that the possibility of such a declaration should be considered.

20. The Committee recommends that the State party's next report, due on 4 January 1998, should be an updating report and that it should cover all the points raised in these concluding observations.

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